

Report Date: December 20, 2016

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 20, 2016**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Harold Buck Emick

Case Number: 0980 2:07CR00157-RMP-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U. S. District Judge

Date of Original Sentence: July 2, 2008

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924; Possession with the Intent to Distribute 50 Grams or More of a Mixture or Substance Containing Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)

Original Sentence: Prison - 94 months; Type of Supervision: Supervised Release
TSR - 48 months

Revocation Sentence: Prison - 3 months;
TSR - 45 months
(12/15/2015)

Revocation Sentence: Prison - 19 days;
TSR - Life
(11/9/2016)

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: November 15, 2016

Defense Attorney: Federal Public Defender

Date Supervision Expires: Life

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
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Supporting Evidence: On December 19, 2016, Mr. Harold Emick reported to U.S. Probation after his unsuccessful discharge from the Spokane Residential Reentry Center (RRC). During the contact Mr. Emick admitted to using a needle to inject his prescription medication Ritalin, which the client admitted that he hid from RRC staff. The client

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indicated that he was prescribed 2 pills daily by mouth, but indicated that he was instead taking approximately 5 pills per injection at least twice a day. The client also admitted that he had doubled his use of Wellbutrin, another prescription the client indicated that he was prescribed, but again hid from RRC staff. Mr. Emick was directed to provide a urinalysis sample for testing upon his arrival to U.S. Probation at 11:15 a.m.; however, was unable to provide a valid sample until approximately 4 p.m. The sample provided by the client was tested and was presumptive positive for methamphetamine. He indicated that while he did not intentionally take the drug, he admitted that the drug may have been present in the needle when filled and provided to him by another inmate. It should be noted that RRC staff indicated that at no time were they able to locate a prescription for either Ritalin or Wellbutrin as indicated by the client.

- 2 **Special Condition # 1:** You shall reside in a residential reentry center (RRC) for a period of up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the discretion of the supervising officer. You shall abide by the rules and requirements of the facility.

Supporting Evidence: On December 13, 2016, Mr. Emick reported to U.S. Probation with his wife after his successful completion of inpatient chemical dependency and mental health services at Kootenai Behavioral Health. The client was directed to report to the Spokane RRC this date, consistent with his conditions of supervision, and the undersigned officer was later subsequently able to verify that the client did surrender to the facility on December 13, 2016.

On December 19, 2016, the undersigned officer received information from RRC staff that the client was off of his baseline and that they suspected that he had used illicit drugs or prescription medication that was not prescribed to Mr. Emick. Staff indicated that the client had admitted to law enforcement that he had taken Ritalin, a prescription which according to staff at the Spokane RRC Mr. Emick was not prescribed. Staff indicated that the client was talking to himself, hallucinating, and had “torn up” his room. Staff indicated that they separated the client from other residents, and increased their checks on the client; however, at 8:52 a.m., the undersigned officer was informed that the client had threatened staff and did not seem to be recovering from his off baseline behavior. The client was formally discharged at 9:57 a.m., at which time staff located 9 pills that were not prescribed to the individual. Staff indicated that five of the pills were identified as being Ritalin, while the other four were unidentifiable.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 20, 2016

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

12/20/2016

Date